

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2014-030161-001 SE

07/31/2015

COMMISSIONER DAVID V. SEYER

CLERK OF THE COURT

A. Chee

Deputy

STATE OF ARIZONA

DANIEL IAN HUTTO

v.

LAURIE AILEEN HENDEL (001)

DOB: 10/20/1974

MARK N WEINGART

APO-SENTENCE IMPRISON-SE

APPEALS-CCC

AZ DOC

DISPOSITION CLERK-CSC

RFR

SENTENCE OF IMPRISONMENT

1:58 p.m.

Courtroom CCB 802

State's Attorney:	Daniel Hutto
Defendant's Attorney:	Mark Weingart
Defendant:	Present

Court Reporter, Helene Paustine, is present.

A record of the proceeding is also made by audio and/or videotape.

LET THE RECORD REFLECT the following make statements to the Court: Jerry Michael Matte, Julia Hendel, and the Defendant.

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Count(s) 1: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 (AMENDED): Aggravated Driving or Actual Physical Control
While Under the Influence of Intoxicating Liquor or Drugs
Class 4 Felony
A.R.S. § 28-1381(A)(1), 1383(A)(4), 3001, 3304, 3305, 3315, 12-116.04, 269, 13-610,
805, 701, 702, and 801
Date of Offense: 09/27/2013
Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 1: 2.5 year(s) from 7/31/2015
Presentence Incarceration Credit: 0 day(s)

IT IS ORDERED the Defendant shall pay through the Clerk of the Superior Court:

DUI ABATEMENT FUND: Count 1 - \$250.00, beginning DATE TO BE DETERMINED.

Count 1: \$1500.00 to the PRISON CONSTRUCTION AND OPERATIONS FUND payable in full by DATE TO BE DETERMINED.

Count 1: \$1500.00 payable to the Public Safety Equipment Fund pursuant to A.R.S. § 41-1723 beginning DATE TO BE DETERMINED.

FINE: Count 1 - Total amount of \$750.00. Surcharges are waived.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforeponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

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Community Supervision: Count 1 - Waived pursuant to A.R.S. § 13-603(K), due to the term of probation in CR2010-007970-001 AND CR2010-030369-001.

In the event the Defendant is released by the Department of Corrections on a temporary release basis, and a term of Community Supervision has been waived, the length of probation shall be extended to include the time of Defendant's temporary release, pursuant to A.R.S. §13-901(B).

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes in accordance with A.R.S. §13-610.

IT IS ORDERED granting the Motion to Dismiss the following: Counts 2 through 4; the allegation that the defendant was on felony probation at the time of the offense.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

2:51 p.m. Matter concludes.

LATER:

The Court stated during the sentencing in this matter that the probation cases in CR2010-007970-001 and CR2010-030369-001 would run concurrently with the prison sentence imposed in CR2014-030161-001. The Court subsequently recognized that it would be erroneous to run the probation terms concurrently with a prison sentence; see State v. Castro (App. Div.1 1976) 27 Ariz. App. 323, 554 P.2d 919.

Accordingly,

IT IS ORDERED that the terms of probation in CR2010-007970-001 and CR2010-030369-001 will be suspended while the Defendant is imprisoned in CR2014-030161-001. Upon her physical release from the Department of Corrections, the Defendant's probation matters shall resume. The Probation Department shall determine a new termination date for the Defendant's probation matters.

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IT IS ORDERED that defense counsel shall preserve defendant's file for post-conviction relief purposes. If defense counsel receives notice that defendant is seeking post-conviction relief, counsel shall prepare the file for delivery to PCR counsel and shall make timely arrangements for the exchange thereof when notified. Further, upon exchange of the file, defense counsel shall file with the court a Notice of Compliance that shall, at a minimum, include date of compliance, recipient of the file, and an itemization of contents of the file. A copy of the Notice shall be provided to PCR counsel, the State and the PCR Unit.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ COMMISSIONER DAVID V. SEYER
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)